

LABOUR DEPARTMENT

The 16th March, 1983

No. 9(1)82-6Lab./929.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Taraori Municipality, Taraori.

BEFORE SHRI INDER SINGH DHULL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 198 of 80.

between

SHRI MADHO RAM, WORKMAN AND THE MANAGEMENT OF M/S TARAORI MUNICIPALITY, TARAORI

Present :

Shri Karan Singh, for the workman.

Shri Madan Mohan, for the management.

AWARD

This reference has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/KNL/83-80/49714, dated 17th September, 1980, under section 10(i)(c) of the Industrial Disputes Act, for adjudication of the dispute existing between Shri Madho Ram workman and the management of M/s Taraori Municipality, Taraori. The term of the reference was :—

Whether the termination of services of Shri Madho Ram was justified and in order ? If not, to what relief is he entitled ?

On the receipt of the order of reference notices as usual were sent to the parties. The parties put in their appearance in response to the same on 15th April, 1981. The workman filed his statement of claim. The management was proceeded against *ex parte* on 18th July, 1981 when no one was present on their behalf. The *ex parte* order dated 18th July, 1981 was set aside on 21st August, 1981. The management filed their written statement on 29th September, 1981. The workman was proceeded against *ex parte* on 14th October, 1981 when no one was present on his behalf. The *ex parte* order dated 14th October, 1981 was set aside on 19th November, 1981. The workman filed his rejoinder on 12th January, 1982 and the only issue 'AS PER THE TERM OF REFERENCE' was framed on the basis of the pleadings of the parties. In evidence the management examined Shri Madan Mohan, Octroi Superintendent as MW-1 and the workman examined himself as his own witness. The parties filed their written arguments. I have gone through the evidence and argument and decide the issue as under.

MW-1 deposed that the concerned workman was appointed on daily wages as Octroi Moharrar. There was a complaint against the octroi staff from general public that octroi was charged excess while receipt was issued for less amount. The S. D. M. made an enquiry on his own level and the concerned workman deposited the amount excess charged by him. The concerned workman was on daily wages at the time of termination of his services. In cross-examination he admitted Ex. W-1 as copy of appointment letter and Ex. W-2 that of termination letter. He admitted that the workman was continued in service till his termination.

The concerned workman in his statement corroborated his appointment letter and termination letter. He further stated that no chargesheet, show cause notice was issued to him before termination of his services. His service was terminated to adjust some other person. In his cross-examination he gave his period of service from 15th August, 1979 to 21st August, 1979. He denied the suggestion that there was a complaint with the S. D. M. against him. He also denied that he had charged excess amount of octroi. He denied any notice from the S. D. M. to appear before him.

I have considered the written arguments submitted by the parties. The contention of the management was that the services of the workman was not found satisfactory and the S. D. M. had conducted some enquiry into the allegation of excess charge of octroi. On the other hand the concerned workman gave that he had put in more than one year of continuous service. There was no chargesheet or domestic enquiry conducted by the Municipal Committee. He further referred section 25F of the I. D. Act, 1947 which was not followed by the management. I have considered the evidence and arguments of the parties. It was an admitted fact that the workman had remained in the service

of the management for more than one year. It was also correct that no chargesheet was served upon the workman nor any domestic enquiry was held in his presence. It was also correct that no notice pay or retrenchment compensation was paid to him. Section 2 (00) of the I. D. Act stated "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action. The management had the option to terminate the services of the workman after following the principle of natural justice in case the workman had conducted a misconduct. It was held in Dr. S v/s Hindustan Aeronautics Ltd. (1982, 60, FJR. 265) "Where service of an employee is sought to be dispensed with on account of certain alleged misconduct, the employer cannot be permitted to exercise the power of termination simplicitor, he has to necessarily hold disciplinary enquiry into the allegations and pass an order, depending upon the result of such enquiry".

Looking to the termination order Ex. W-2 I find that it was a termination simplicitor. The management has not complied with the provisions of section 25 F of the I. D. Act which was imperative in such cases. In the appointment letter there was no mention that the workman was on probation. In view of my above discussion I find that the termination of the workman was not in order. The workman is therefore entitled to reinstatement with continuity of service and with full back wages. The reference is answered and returned accordingly.

Dated the 21st January, 1983.

INDER SINGH DHULL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

Endorsement No. 221, dated 25th January, 1983

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

INDER SINGH DHULL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 9(1)-82-6Lab/932.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s. S. R. Printers and Binders, 18/1, Ajrounda Mour, Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

References No. 115, 141, 114, 113, and 128 of 1982

between

SHRI RAGHU RAJ SINGH, MOTTI, LAL, GHANSHAYAM, BAL KISHAN AND RUDAL,
WORKMEN AND THE RESPONDENT-MANAGEMENT OF M/S S. R. PRINTERS AND
BINDERS, 18/1, AJROUNDHA MOUR, MATHURA ROAD, FARIDABAD

Shri Bhim Singh Yadav, for the workmen.

Shri Pardeep Sharma, for the respondent management.

AWARD

These references No. 115, 141, 114, 113 and 128 of 1982 has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/56/82/24098, dated the 28th May, 1982, ID/FD/57/82/25112, dated 3rd June, 1982 ID/FD/58/82/24091, dated 28th May, 1982, ID/FD/59/82/24809, dated 27th May, 1982 and ID/FD/55/82/24958 dated 2nd June, 1982, under section 10 (i) (c) of the Industrial Disputes Act, 1947, existing between Shri Raghu Raj Singh, Motti Lal, Ghanshayam, Bal Kishan and Rudal, workmen and the respondent management of M/s. S. R. Printers and Binders, 18/1, Ajroundha Mour, Mathura Road, Faridabad. The terms of the references were:—

Whether the termination of services of Shri Raghu Raj Singh, Motti Lal, Ghanshayam, Bal Kishan and Rudal was justified and in order? If not, to what relief are they entitled?

Notices were issued to the parties, on receiving these references. The case of the workmen according to demand notice is that they were appointed as below.—

Sr. No.	Name of the workman	Date of appointment	Wages p. m.	Designation
1.	Shri Raghu Raj Singh	25th April, 1981	Rs. 500	Machineman.
2.	Shri Moti Lal	25th April, 1981	Rs. 450	Compositor.
3.	Shri Ghan Shayam	25th April, 1981	Rs. 450	Binder.
4.	Shri Bal Kishan	25th April, 1981	Rs. 180	Helper.
5.	Shri Rudal	25th April, 1981	Rs. 325	Machineman.

and their services were terminated on 23rd February, 1982 without any reason and without issuing any written orders of termination. So they may be reinstated with full back wages and continuity of service.

The case of the respondent according to written statement is that the management firm is registered under Shops and Commercial Establishment Act. As per the latest law the employees working in establishment registered under the said Act are only entitled to notice pay and not to be reinstated. So the claim of the workmen is not maintainable and liable to be dismissed. The workmen refused to work and instigated other workmen not to work as they were not given advance by the management. So they committed misconduct by going on strike and instigated the workers to go on strike. So they abandoned the services of their own. On 23rd March, 1982 the workmen accompanied with other co-workmen approached the proprietor of the firm and asked him to give them advance. The proprietor told them that he was not in a position to give them advance. He also told them to sign the vouchers for the advance payment they had already received without signing any voucher. On this the claimants got very irritated and told him that they would go on strike if he did not pay advance to them. The claimants also refused to sign the voucher for the payment. The respondent advised them not to go on strike and expressed his inability to pay the advance. After the workmen declared that all the workmen were on strike and therefore they left the factory and did not return to join their duties. The respondent never terminated their services. The respondent also informed,—vide letter dated 26th February, 1982 within seven days but to no avail. When the claimant did not turn up the respondent had to struck off their names on 14th March, 1982. So the workmen had abandoned their services of their own accord and it is not a case of termination. So the references may be rejected.

On the pleadings of the parties, following issues were framed:—

1. Whether the reference is bad in law and the court has no jurisdiction to decide the reference as objected by the respondent in their written statement ? If so, to what effect ?
2. Whether the termination of services of the workmen is proper, justified and in order ? If not, to what relief are they entitled ?

My findings on the issues are as under:—

Issue No. 1:

The representative of the respondent argued on this issue that as stated by Shri Sapanmajudan, partner of the respondent as MW-1, the respondent factory registered under the Shops and Commercial Establishment Act and the photo stat copy of the registration are Ex. M-1 and M-2. So this factory does not under the Industrial Disputes Act and is covered under the Shops and Commercial Establishment Act and the provision of the Industrial Disputes Act, does not apply to the establishments which are not covered under the Industrial Disputes Act. So the references are bad in law and may be rejected.

The representative of the workmen argued on this issue that the respondent company is an industry as defined in section 2 (j) of the Industrial Disputes Act, which is as under:—

"Industry means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft or industrial occupation or avocation of workmen; "

So it is very clear that the abovesaid firm is an industry because it is doing business and trade and when it is an industry the provisions of Industrial Disputes Act applied to this establishment. So the reference is not bad in law.

After hearing the arguments of both the parties and going through the file, I am of the view that arguments put forward by the representative of the workmen have full force. As per provisions of section 2(j) the respondent firm an industry and provision of Industrial Disputes Act are applicable to this firm. So this issue is decided in favour of the workmen and against the respondent.

Issue No. 2:

The rep. of the respondent argued on this issue that as stated by Shri Sapanmajudan, partner of the respondent as MW-1, the workmen are appointed as below:-

Name of the worker	Date of appointment	Wages p. m.
1. Shri Raghu Raj Singh	17th June, 1981	Rs. 450.00
2. Shri Motti Lal	27th November, 1981	Rs. 450.00
3. Shri Ghansham	21st July, 1981	Rs. 450.00
4. Shri Bal Kishan	5th January, 1982	Rs. 180.00
5. Shri Rudal	24th June, 1981	Rs. 325.00

and on 23rd February, 1982 all these five workmen demanded advance from him. The witness paid advance to Shri Ghan Sham and Bal Kishan and asked others that he is not in a position to give advance. On this saying the workmen stated that they are going on strike and will not work in the factory and went outside the factory. He further stated that after this the respondent wrote letter to the workmen through UPC but the workmen did not turn up in the factory. The witness MW-1 also produce attendance card from the date of their appointment which are Ex. M-3 to M-7. He further argued that MW-2 Shri S. L. Sain M/s Box line Co. Faridabad has stated that his factory and the respondent factory worked in one shed and knows all the workmen and also stated that these workmen came to the respondent's partner MW-1 for advance and on the refusal and went outside factory. He further argued that MW-3 Shri Amar Jeet Clerk of the respondent appeared and stated he sent letter to these workmen through UPC which are Ex. MW-3/1 to MW-3/5. This witness further stated that after these letters sent through UPC to the workmen, they did not turn up to join the factory. He further argued that the workmen also admitted this fact in their examination-in-chief that they demanded the advance from the respondent. So on the refusal they threatened for strike and left the factory. The respondent also sent the letters to the workmen to join their duties. It is not the fault of the respondent. The workmen abandoned the job of their own accord and the respondent has not terminated their services. In these circumstances they are not entitled to any relief and there reference may be rejected.

The representative of the workmen argued on this issue that as stated by Shri Motti Lal the workmen were terminated without any notice. He further stated that at the time of termination, there were 11/12 workmen were working in the company. He further stated that along with him, S/Shri Raghu Raj, Ghansham, Rudal and Bal Kishan were also terminated. The respondent took the applications for advance from the workman on 19th February, 1982, but the respondent did not pay them upto 23rd February 1982 and when they demanded for the advance, the respondent terminated their services. He further stated that the terminated workmen used to visit the company for 5/6 days, but the respondent refused to take them on duty. He further stated that they did not receive any attendance register from the respondent nor did they receive any letter from the respondent after the termination. The rep. of workmen further argued that the workman Shri Ghan Sham appeared as WW-2 and stated the same facts as stated by WW-1. The workmen S/Shri Raghu Raj, Rudal and Bal Kishan appeared as WW-3 and stated before this court, that their evidence will be read as statement by WW-1 and WW-2. He further argued that the workmen had worked for more than 240 days and acquire the status of a permanent employee and permanent employees cannot be terminated without complying the mandatory provisions of section 25-F of the I. D. Act. So the termination of the workmen is illegal and void and the workmen may be reinstated with full back wages and continuity of service.

After hearing the arguments of both the parties and going through the file, I am of the view that the respondent witness MW-1 has not stated truth in his evidence. He stated that Shri Moti Lal was appointed on 27th November, 1981 and Shri Bal Kishan on 5th January, 1982, but as per Ex. M-1, which is registration of Company under Shop and Commercial Establishment Act, shows that these workmen are working before 28th August, 1981. So the statement of MW-1 is not believable and prove the case of the workmen. If the workmen left the company the respondent should have sent the letter through regd. A. D. which they have not done. The respondent sent UPC's letter to the workman, which is proof of posting and not of delivery so the UPC's letters are not authenticated proof, that the workmen have received the letter of the respondent. So the respondent has terminated the services of the workmen on the demand of advance, which is illegal and void. So the workmen are entitled for their reinstatement, with continuity of service but without back wages, because it is proved fact that the workmen had demanded the advance and giving the advance to the workman is not obligatory and compulsory for the respondent.

This be read an answer to these references..

Dated the 17th January, 1982

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 169, dated the 24th January, 1983.

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947

HARI SINGH KAUSHIK,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

M. KUTTAPPAN,

Commissioner and Secretary to Government, Haryana,
Labour and Employment, Departments.

The 16th March, 1983

No. 9(1)82-6Lab/1604.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Chief Engineer (Thermal Plant), H. S. E. B., Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, LABOUR COURT
HARYANA, FARIDABAD

Reference No. 96/1981

between

**SHRI AYADH LAL, WORKMAN AND THE MANAGEMENT OF
CHIEF ENGINEER (THERMAL PLANT) HARYANA STATE ELECTRICITY BOARD,
FARIDABAD.**

Present:

Shri S. S. Gupta, for the workman.

Shri N. P. Singh, for the management.

AWARD

The Governor of Haryana referred the following dispute between the workman Shri Ayadh Lal, and the management of M/s Chief Engineer (Thermal Plant), Haryana State Electricity Board, Faridabad by Order No. ID/FD/51/80/17834, dated 31st March, 1981, to this Tribunal, for adjudication, in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Ayadh Lal, was justified and in order ? If not, to what relief is he entitled ?

Notices of the reference were sent to the parties who appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed by my order, dated 10th July, 1981:—

- (1) Whether the reference is bad on account of delay and latches?
- (2) Whether the termination of services of Shri Aydadh Lal, was justified and in order? If not, to what relief is he entitled?

In evidence, the management examined Shri S. M. Madan Executive Engineer, Panipat Thermal Power Station as MW-1 and the workman examined himself as his own witness.

Issue No. 1:— Briefly stated that the facts of the case are that the workman remained in service in the Thermal Construction Mechanical Division No. 1, Faridabad as Chowkidar from 10th July, 1974 to 31st August, 1975 and as T. Mate from 1st August, 1975 to 22nd February, 1976. His services were terminated after a notice, dated 29th January, 1976, purported to be issued under section 25-F of the Industrial Disputes Act, 1947. Reason for termination was given completion of the work. The workman issued demand notice on 7th January, 1981. The contention of the management was that the workman slept for a period of 5 years and that he could not be allowed to re-assert his right, if any. In this behalf, AIR-1974 page 2271 and 1969 I. S. C. C were cited. It was asserted in the written statement that the workman was paid of 'Rs. 133.65 as compensation under Section 25-F. The workman denied the receipt of such amount.

I have given my thoughtful consideration to the facts of the case. The law of limitation was not applicable to the Industrial Dispute as pointed out by the learned representative for the workman but it was desirable that the parties must feel, after the lapse of reasonable time, that the controversy had come to an end. It was settled principle that one could not be allowed to sleep over his rights indefinitely and re-assert his claim when ever he likes. In the present case, the workman remained satisfied for 5 long years. The management could not be expected to keep handy record of temporary work-charged establishment also at for all time to come. I am of the opinion that this case suffers from the defect of delay and latches. He was not entitled to any relief.

Dated the 4th February, 1983.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 150, dated the 8th January, 1983.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947..

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1) 82-6 Lab./1605.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Pemco Industry, 21, Industrial Area, Yamunanagar.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 44/1980

between

THE WORKMEN AND THE MANAGEMENT OF M/S PEMCO INDUSTRY, 21, INDUSTRIAL AREA, YAMUNANAGAR

Present:—

Shri Subhash Chander, for the management.

Nemo, for the workman.

AWARD

The Governor of Haryana referred the following dispute between the management of M/s Pemco Industry, 21, Industrial Area, Yamuna Nagar, and its workmen by order No. ID/YMN/108-80/35070, dated 1st July, 1980 to this Tribunal for adjudication, in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

- (1) Whether the workmen are entitled to the grant of bonus for the years 1976-77, 1977-78 and 1978-79? If so, with what details?
- (2) Whether the workmen should be given seasonal uniforms? If so, with what details?
- (3) Whether the grades and scales of the workmen should be fixed? If so, with what details and from which date?
- (4) Whether the workmen are entitled to the grant of annual increment? If so, with what details?
- (5) Whether the workmen and clerks who have completed two years of minimum service should be granted one special increment and should be given next grade? If so, with what details?

Notices of the reference were sent to the parties who appeared and filed their pleadings. On the pleadings of the parties, the issues under reference were put for trial by my order, dated 17th March, 1981. In evidence, the workmen examined Shri Man Mohan Singh, workman as WW-1, Shri Sohan Lal, workman as WW-2 and the management examined Shri Gurmail Singh, Partner as MW-1, Shri Mohan Singh, Partner of M/s United Changes, Yamuna Nagar, as MW-2 and Shri Paramjit Singh, Partner of respondent-management as MW-3.

In testimony, WW-1 deposed that the management had not paid bonus to its workers. The management had installed some new machines in the factory and his financial position was good. He further deposed that the management used to supply uniform to one or two workers but it had stopped the same. There was work of polishing in which and was used. The clothes of workers got damaged while working on machines or furnace. In Jamuna Auto and Jai Forging uniform was supplied to the workers. All the workers were designated unskilled although the work of skilled or highly skilled was taken. Annual increment was not available to the workers. In cross-examination he replied that he had no technical qualification. There was no other factory manufacturing nuts bolts in the industrial area. Jamuna Auto was a bigger factory than that of the management. He was not aware if the factory of the management had been closed due to some dispute with Haryana Financial Corporation. He denied that the factory was running in loss. The General Secretary who appeared as WW-2 deposed that he was terminated workman. He further corroborated the statement of WW-1. In cross-examination, he admitted that he was not in service of the management for the last 1½ or 2 years. He admitted that in the factories of M/s Bhag Singh and Sons and United Changes no uniform was supplied. He admitted that Jamuna Auto was bigger factory. WW-3 also corroborated the statement of WW-1. On the management side MW-1 partner of the Virdhi Steel Industries deposed that there was a slump in nut bolt industries. There was shortage of power and raw material. Financial position of such factory was not good. No uniform was supplied by him to his workers. Minimum wages was paid to the workmen. In Jamuna Auto Industries, there were about 400 workers and it was a very big factory. Shri Mohan Singh MW-2 deposed that the factory was engaged in production of nuts-bolts. There was slump in the industries. No increment or uniform were given by him to his workers. Partner of the respondent-management who appeared as MW-3 deposed that he started his factory from April, 1976. Since its construction factory was running into loss. Profit and loss account and balance sheets for the year 1976-77 to 1978-79 were Ex. M-1 to M-4. He was not in a position to allow increment or supply uniform to its workers. He further deposed that due to power cut and shortage of raw material, he was in heavy losses. The concern had not been able to make the payment of instalment of loan taken from Haryana Financial Corporation. The other concerns M/s Bhag Singh & Sons and United Changes also did not supply the uniform or allow increment to the workers.

I have gone through the balance sheets and find that there was a net loss of Rs 65,609.63 on 31st March, 1977 and Rs 28,227.30 on 31st March, 1978 and Rs 1,29,287.00 for the year 1978-79.

The workmen failed to cross-examine the management's witnesses and filed any objections to the profit and loss account. From the record, I find that financial position of the management is unable to bear any burden of such liabilities which could further add to its unsound position. The uniform, grades and scales, etc. could be allowed only when the management was in a financial position to bear the burden but in the instant case it was on the other side. Therefore, I find that the workmen were not entitled to any relief under the present reference.

The 4th February, 1983.

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

Endst. No. 151, dated the 8th February, 1983.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Tribunal, Haryana, Faridabad.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9(1)82-6 Lab./1710.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Transport Corporation of India Ltd., 17/6, Mathura Road, Faridabad.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR COURT, HARYANA, FARIDABAD

Reference No 241 of 1982

between

SHRI SANJAY KUMAR GUPTA, WORKMAN AND THE RESPONDENT-MANAGEMENT
OF M/S TRANSPORT CORPORATION OF INDIA LTD., 17/6, MATHURA ROAD,
FARIDABAD

Present :

Shri Sanjay Kumar Gupta, for the workman in person.

Shri H. R. Dua, and Duli Chand, for the management.

AWARD

This reference No. 241 of 1982 has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/123/82/44315, dated 24th September, 1982 under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication of the dispute existing between Shri Sanjay Kumar Gupta, workman and the respondent-management of M/s Transport Corporation of India Ltd., 17/6, Mathura Road, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Sanjay Kumar Gupta, was justified and in order ?
If not, to what relief is he entitled ?

After receiving this reference, notices were sent to the parties. The parties appeared and filed their pleadings. On 10th December, 1982 the representative of the management was present but neither the workman nor his representative was present. It was already 12.35 P. M. The case was called thrice. In these circumstances, I hold that the workman is not interested to pursue his case and the case is dismissed in default. No orders as to costs. I give my award accordingly.

Dated the 9th February, 1983.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 301, dated the 21st February, 1983.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above said award may please be acknowledged within week's time.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana,
Faridabad.